IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5880 of 2005

Between:

M/s. Millennium Recreation Point,

A Registered Club, having its Office at 1st Floor,
3-6-728, Sunny Palace, Himayath Nagar, Hyderabad,

Rep. by it's Secretary, K. Srinivas.

..... PETITIONER

AND

1 The Commissioner of Police, Hyderabad.
2 The Deputy Commissioner of Police, Central Zone, Hyderabad.
3 The Deputy Commissioner of Police, Task Force, Central Zone,

at Begumpet, Hyderabad.
4 The Station House Officer, P.S. Narayanaguda., Hyderabad..

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of writ of Mandamus, declaring the action in interfering with the lawful activities of the writ petitioner, it's members and their guests while playing caroms, chess, 13 cards Rummy with stakes, etc. as illegal, improper, voilative of principles of natural justice, without jurisdiction, void, beside being against to the directions of the Hon'ble Court passed in various writ petitions; and direct the respondents not to interfere with the lawful activities of the writ petitioner, it's members and their guests with a consequential relief of appointing an Advocate- Commissioner to the writ petitioner association to watch the activities of the petitioner and to report the same to the Hon'ble Court and pass such other order or orders as are deemed fit and proper in the interest of justice.

Counsel for the Petitioner: MR.K.INDRA REDDY

Counsel for the Respondent Nos.1 to 4: G.P. FOR HOME

The Court at the stage of admission made the following

ORAL ORDER**:**

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home, appearing on behalf of the respondent Nos.1 to 4.

2. The petitioner seeks a direction to the respondents to allow the lawful activities of the petitioner-club (for brevity "the petitioner") and its members while playing Chess, Caroms, Playing Cards with 13 card rummy/stakes (skill game) and Gym etc., including the Card Room by appointing an Advocate-Commissioner to inspect the premises of the petitioner bearing No.03-06-728, 1st floor, Sunny Palace, Himayath Nagar, Hyderabad, to check and verify the activities of the petitioner-club and to submit a report.

3. The learned counsel for the petitioner submits that earlier when there was intervention by the respondents with the lawful activities of the members of a Club, a writ petition in W.P.No.4874 of 2003, was filed and the same was disposed of by order, dated 31-03-2003, wherein and whereby a direction was given to the respondents therein in terms of a judgment of a Division Bench of this Court in ***TWIN CITIES CINEMA CULTURAL CENTRE vs. COMMISSIONER OF POLICE,*** in Writ Appeal No.1167of 2002, dated 29-07-2002**.**

4. I have perused the said judgment of the Division of this Court, wherein it was observed thus:

> "The police authorities cannot obstruct the writ petitioner-club from conducting card room where the members and guests of the writ petitioner's cultural center are allowed to play the game of rummy with stakes/syndicate (thirteen card game). At the same time, we make it clear that the police is always at liberty to enter the premises and check as to whether the cultural center of the club is conducting card room where the members and guests of petitioner's cultural center are playing the game of

> rummy with stakes/syndicate (thirteen card game) for the purpose of verification. If they receive any intimation, the police may enter the club and verify the same and proceed further if the members and guests of writ petitioner's cultural center play other than the game of rummy with stakes/syndicate (thirteen card game). The police authorities are also at liberty to proceed with the cases, which are already registered."

5. It is the complaint of the learned counsel appearing for the petitioner that despite the said order of this Court, the respondents have been frequently visiting the club causing much inconvenience and embarrassment to the esteemed members of the club.

6. In other words, the grievance of the learned counsel for the petitioner is that in spite of the directions issued by this Court in the order, dated 31-03-2003, in W.P.No.4874 of 2003, the harassment/persecution by the respondents is still going on with the frequent visits of the respondents to the club belittling the dignity of the members of the club.

7. The learned counsel for the petitioner asserts that only lawful activities are being undertaken and no unlawful activities have ever been allowed in the club. Hence, he seeks appointment of an Advocate-Commissioner to keep a watch not only on the lawful activities of the club but also on the frequent visits of the respondents to the club.

8. Even though the contention of the learned counsel appearing for the petitioner is not very much convincing, but still having regard to the facts and circumstances and also to see that the order, dated 31-03-2003, in W.P.No.4874 of 2003, which was passed following the judgment of a Division Bench of this Court, is respected, I deem it appropriate to appoint an Advocate-Commissioner for the purpose, referred to above.

9. Accordingly, I hereby appoint Sri G. Ramesh, Advocate, (Code No.2923), resident of H.No.42, Prasoona-nagar, Chintal (HMT Road), Hyderabad, as Advocate-Commissioner.

10. The Advocate-Commissioner shall visit the petitioner-club at any time, any number of times or as and when he feels it expedient and necessary or as and when his presence is required by the petitioner-club or the

respondents.

11. The fee of the Advocate-Commissioner is fixed as Rs.5,000/- per month.

12. The appointment of the Advocate-Commissioner is only for a period of six months from the date of his assumption of charge.

13. Accordingly, the writ petition is disposed of, at the stage of admission. However, there shall be no order as to costs.

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D.S.R. VARMA, J

24TH MARCH 2005

ISN

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner of Police, Hyderabad.
2 The Deputy Commissioner of Police, Central Zone, Hyderabad.
3 The Deputy Commissioner of Police, Task Force, Central Zone,

at Begumpet, Hyderabad.
4 The Station House Officer, P.S. Narayanaguda., Hyderabad..

5. Sri G.Ramesh, Advocate (Code No.2923),

R/o.H.No.42, Prasanna Nagar, Chintal, H.M.T. Road, Hyderabad.

6 Two CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT).

7 Two CD copies